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October 25, 2022

**VIA ECF**

Honorable Judge Katharine S. Hayden  
U.S. District Court, District of New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07102

**Re: KeyBank National Association v. Direct Building Products Corp, et al**  
**Case No. 2:20-mc-00170-KSH-CLW**

Dear Judge Hayden:

This firm represents the Plaintiff, KeyBank National Association in the above referenced action. I am writing in response to the September 23, 2022, letter of defendants' counsel, Scott C Levenson. Plaintiff takes issue with Defendants' characterization of the outstanding discovery requirements. Defendants have failed to produce the documents demanded in connection with the deposition of Yoel Dean as Ordered by the Court.

Defendant did provide answers to interrogatories on November 4, 2021, but provided no documents. During the case status conference held on March 23, 2022 it was determined that defendant Yoel Deen would appear for deposition during the first week of May and provide requested documents. See March 23, 2022 Docket Text Order. A notice of deposition was served with a list of documents to be provided. See **Exhibit "A"**. Defendants canceled the deposition.

A subsequent case management conference was held on May 26, 2022 at which a June 27, 2022 deposition date was set at which time defendant would bring the requested documents. See June 26, 2022 Docket Text Order. The deposition did take place on June 27<sup>th</sup>, but Defendant provided no documents. Thereafter, on July 6, 2022 a case management conference was held in which it was determined that after receipt of the transcript of the deposition, Plaintiff's counsel was to send a letter to defendants' counsel setting forth the documents to be provided. See July 6, 2022 Docket Text Order. Accordingly, Plaintiff sent the letter demanding documents on August 16, 2022. Defendants did not respond.

A case management conference was scheduled for September 21, 2022, but Defendant's counsel failed to appear. See *September 21, 2022 Docket Text Order*. In response to the Court's Order to show cause as to the non-appearance Defendant's counsel sent the September 23, 2022

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letter, representing that Defendants provided answers to interrogatories nearly a year earlier, but made no reference whatsoever to the documents that were to be provided in connection with Defendant Yoel Deen's deposition.

Plaintiff requires the documents listed in the August 16, 2022 letter attached as **Exhibit "B"**. There is currently a November 1, 2022 conference scheduled before Your Honor, and Plaintiff requests that the issue of the outstanding document demands be addressed and Defendant Ordered to provide the requested documents.

Thank you for Your Honor's attention.

Respectfully submitted,

**WONG FLEMING, P.C.**  
Attorney for Plaintiff

/s/ Carl J. Dallarda

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Enclosures